

Violet Elizabeth Grayson (VEG-2792)
888 Seventh Avenue – 45th Floor
New York, N.Y 10106
(646) 406-1512

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
Theresa Giurlando,	:	ECF Case
	:	No. 07 Civ. 10266 (RJS)
Plaintiff,	:	
	:	DECLARATION OF
-against-	:	VIOLET ELIZABETH
	:	GRAYSON
T.C. Ziraat Bankasi A.S.,	:	
	:	
	:	
Defendant.	:	
-----X		

I, Violet Elizabeth Grayson, declare:

1. I am a member of the bar of this Court, and counsel of record for Plaintiff herein. I make this declaration in opposition to Ziraat Bankasi's motion to dismiss.
2. I have taken this case on a contingent fee basis. It is my understanding that my client, Therese Giurlando, having lost her life savings, could not afford to retain me or any other lawyer on a hourly basis.
4. In my capacity as plaintiff's counsel, I explored the possibility of retaining a Turkish attorney to assist with plaintiff's opposition to the pending motion. I learned that Turkish attorneys do not work on a contingent fee basis. The only attorney I located who appeared well qualified to assist with the motion demanded a retainer of \$17,700, which

my client could not pay. For this reason, we did not retain a Turkish attorney to assist with opposition to this motion.

5. While investigating Turkish attorneys, I also learned that Turkish courts require a substantial deposit from persons filing suit - ordinarily fifteen percent of the amount in controversy. My client would also be unable to make such a deposit into a Turkish Court because she has lost her life savings.

6. I am firmly convinced that due to my client's financial, personal, medical and psychological circumstances, she would be unable to proceed with her law suit if relegated to a Turkish forum.

7. Conversely, the inconvenience to Defendant associated with proceeding in the Southern District is moderate and manageable. The important defense-side witnesses in this case are Defendant Bank's own employees. The Bank can either fly them to New York for deposition, or we can arrange for their voluntary deposition in Turkey. In this day and age, technology provides many flexible options. For example, I recently attended a video-taped deposition where the plaintiff's principal and I were in a conference room in Manila, while all defense counsel, the translator, and the court reporter were in New York. It worked quite well. I have also attended a deposition where the court reporter was in New York and everyone else was in Rotterdam. This too worked out well. If Defendant so desired, it could use videotaped deposition excerpts in lieu of live testimony in the relatively unlikely event that this case went to trial.

8. One way or the other, the cost and logistics associated with foreign witnesses should not prove overwhelming to Ziraat Bankasi. Ziraat Bank's United States English language website, www.ziraatnewyork.com, states: "As well as leading the Turkish

banking sector in Turkey, T.C. Ziraat Bankasi acts as the flagship bank for Turkey's penetration of the global market." The website goes on to list branch offices and representative offices in New York, London, Macedonia, Bulgaria, Georgia, and Cyprus. It also lists subsidiary and affiliated banks in Kazakhstan, Uzbekistan, Russia, Bosnia, Azerbaijan, France, and the Netherlands. The German Ziraat Bank, Ziraat Bank Internacional AG, maintains offices in five different German cities.

9. For all of the reasons stated above, I believe that the balance of convenience tips strongly in favor of permitting this action to continue forward in the Southern District of New York.

The foregoing facts are true of my personal knowledge. Executed under penalty of perjury of the laws of the United States and the State of New York in New York, New York on May 8, 2008.

Ss// Signature on File

V. Elizabeth Grayson